

NATURAL RESOURCE COMMISSION[571]

Notice of Intended Action

Proposing rule making related to fishing regulations and providing an opportunity for public comment

The Natural Resource Commission (Commission) hereby proposes to amend Chapter 81, “Fishing Regulations,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code section 481A.38.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code section 481A.38.

Purpose and Summary

This proposed rule making would standardize the methods used for establishing length limits and other fishing regulations that are specific to a site (waterbody) and would extend the Missouri River/Big Sioux River paddlefish season by three days. Currently, site-specific regulations exist as administrative rules within Chapter 81. This proposed rule making would allow the Department of Natural Resources (Department) to make changes to site-specific regulations, or implement new regulations, by posting such regulations on signage at the relevant waterbodies. The Department already uses onsite signage to alert anglers to various regulations, and this method is highly successful and well-accepted by the state’s anglers. The proposed changes are explained individually and in greater detail below.

Subrule 81.2(2) prescribes length limits and catch and release regulations for black bass. The proposed changes to this subrule would simplify how the various length limits are listed in the rule and would allow the Department greater flexibility in managing bass populations by designating site-specific restrictions via posting signage at the respective waterbodies. The alternative is to conduct rule making every time the Department determines that a length limit or other similar restriction at a specific waterbody should be changed. This is unnecessarily burdensome. The practice of posting length limits and catch and release requirements at waterbodies is already widespread, effective, and accepted by anglers.

Subrule 81.2(3) provides daily bag limits, possession limits, and length limits for walleye. Paragraph 81.2(3)“b” currently allows the Department to establish site-specific walleye regulations by posting signage at the waterbody. When paragraph 81.2(3)“b” was adopted in 2014, allowing for this method of implementing new regulations, the existing site-specific regulations for walleye in the Mississippi River were inadvertently left in the rules in paragraph 81.2(3)“c.” The proposed change to subrule 81.2(3) removes the Mississippi River-specific regulations by deleting paragraph 81.2(3)“c,” at which point the existing provision in paragraph 81.2(3)“b,” allowing for regulation adoption via signage, would apply to the Mississippi River. This change would allow the Department to more efficiently institute management regulations (length limits, etc.) for walleye on the Mississippi River and would bring statewide consistency to how walleye regulations are implemented.

Subrule 81.2(4) provides various regulations applicable to the paddlefish season on the Missouri River and Big Sioux River. This rule making proposes to amend subparagraph 81.2(4)“b”(1) by changing “February 4” to “February 1.” This change would provide three additional days for anglers to harvest paddlefish, without negatively impacting the population.

Subrule 81.2(5) currently provides various regulations applicable to trout fishing. The subrule’s single paragraph covers multiple species of trout, streams, length limits, and tackle limitations. This rule making proposes to greatly simplify this subrule by striking the paragraph and replacing it with new provisions that (1) would allow the Department to post via signage seasons, bag or possession

limits, length limits, catch and release regulations, and tackle regulations specific to a waterbody at that waterbody and (2) would provide a simplified list of standard trout regulations applicable to all waterbodies that do not have posted regulations.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa. A copy of the fiscal impact statement is available from the Department upon request.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found. A copy of the jobs impact statement is available from the Department upon request.

Waivers

This rule is subject to the waiver provisions of 571—Chapter 11. Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Commission for a waiver of the discretionary provisions, if any.

Public Comment

Any interested person may submit written comments concerning this proposed rule making. Written comments in response to this rule making must be received by the Department no later than 4 p.m. on March 5, 2020. Comments should be directed to:

Joe Larscheid
Iowa Department of Natural Resources
Wallace State Office Building
502 East Ninth Street
Des Moines, Iowa 50319
Fax: 515.725.8201
Email: fisheries@dnr.iowa.gov

Public Hearing

Five public hearings at which persons may present their views orally or in writing will be held as follows:

March 5, 2020 12 noon to 2 p.m.	Wallace State Office Building Conference Room 4E Des Moines, Iowa
March 5, 2020 12 noon to 2 p.m.	Spirit Lake Hatchery Conference Room 122 252nd Avenue Spirit Lake, Iowa
March 5, 2020 12 noon to 2 p.m.	Cold Springs District Office Conference Room 57744 Lewis Road Lewis, Iowa
March 5, 2020 12 noon to 2 p.m.	Manchester Hatchery Conference Room 22693 205th Avenue Manchester, Iowa
March 5, 2020	Lake Darling District Office Conference Room

12 noon to 2 p.m.

110 Lake Darling Road
Brighton, Iowa

Persons who wish to make oral comments at a public hearing will be asked to state their names for the record and to confine their remarks to the subject of this proposed rule making.

Any persons who intend to attend a hearing and have special requirements, such as those related to hearing or mobility impairments, should contact the Department and advise of specific needs.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making actions are proposed:

ITEM 1. Amend subrule 81.2(2) as follows:

81.2(2) Black bass. The department may post season, bag or possession limits, length limits, and catch and release regulations specific to a body of water at that body of water. For bodies of water without posted regulations, the following regulations apply to black bass:

a. A 15-inch minimum length limit shall apply on black bass in all public lakes except as otherwise posted. On federal flood control reservoirs, a 15-inch minimum length limit shall apply on black bass at Coralville, Rathbun, Saylorville, and Red Rock. All black bass caught from Lake Wapello, Davis County, and Brown's Lake, Jackson County, must be immediately released alive.

b. A 12-inch minimum length limit shall apply on black bass in all interior streams, river impoundments, and the Missouri River including chutes and backwaters of the Missouri River where intermittent or constant flow from the river occurs.

c. A 14-inch minimum length limit shall apply to the Mississippi River including chutes and backwaters where intermittent or constant flow from the river occurs. All black bass caught from the following stream segments must be immediately released alive:

1. Middle Raccoon River, Guthrie County, extending downstream from below Lennon Mills Dam at Panora as posted to the dam at Redfield.

2. Maquoketa River, Delaware County, extending downstream from below Lake Delhi Dam as posted to the first county gravel road bridge.

3. Cedar River, Mitchell County, extending downstream from below the Otranto Dam as posted to the bridge on County Road T26 south of St. Ansgar.

4. Upper Iowa River, Winneshiek County, extending downstream from the Fifth Street bridge in Decorah as posted to the Upper Dam.

ITEM 2. Amend subrule 81.2(3) as follows:

81.2(3) Walleye.

a. West Okoboji, East Okoboji, Spirit, Upper Gar, Minnewashta, and Lower Gar Lakes in Dickinson County, Storm Lake in Buena Vista County, Clear Lake in Cerro Gordo County, and Big Creek Lake in Polk County. The daily bag limit shall be three, with a possession limit of six.

b. Length limits. Length limits shall apply on walleye in public waters that have length limits posted or published.

c. Mississippi River. A 15-inch minimum length limit shall apply. All walleye from 20 inches to 27 inches in length that are caught from Mississippi River Pools 12 through 20 must be immediately released alive. No more than one walleye greater than 27 inches in length may be taken per day from Pools 12 through 20.

ITEM 3. Amend subparagraph **81.2(4)“b”(1)** as follows:

(1) There shall be an open season from February 4 1 through April 30.

ITEM 4. Amend subrule 81.2(5) as follows:

81.2(5) Special trout regulations. ~~A 14-inch minimum length limit shall apply on brown trout, rainbow trout, and brook trout in Spring Branch Creek, Delaware County, from the spring source to County Highway D5X as posted, and on brown trout only in portions of Bloody Run Creek, Clayton County, where posted. All trout caught from the posted portion of Waterloo Creek, Allamakee County, Hewitt and Ensign Creeks (Ensign Hollow), Clayton County, McLoud Run, Linn County, and South Pine Creek, Winneshiek County, and all brown trout caught from French Creek, Allamakee County, must be immediately released alive. Fishing in the posted area of Spring Branch Creek, Bloody Run Creek, Waterloo Creek, Hewitt and Ensign Creeks (Ensign Hollow), South Pine Creek, McLoud Run, and French Creek shall be by artificial lure only. Artificial lure means lures that do not contain or have applied to them any natural or synthetic substances designed to attract fish by the sense of taste or smell.~~
Trout regulations. The department may post season, bag or possession limits, length limits, catch and release regulations, and tackle restrictions specific to a body of water at that body of water. On bodies of water posted as artificial lure only, “artificial lure” means lures that do not contain or have applied to them any natural or synthetic substances designed to attract fish by the sense of taste or smell. For bodies of water without posted regulations, the following regulations apply to trout:

- a. Open season is continuous.
- b. A five-fish daily bag limit and ten-fish possession limit shall apply to any combination of brown trout, brook trout, rainbow trout, and their hybrids.
- c. A trout fee is required to fish for and possess trout.